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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,577	04/22/1999	RICHARD ARTHUR HALAVAIS	4456.P001	7340
8791 7590 04/14/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER KOHUT, DAVID M				
ART UNIT 3626		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/295,577

**Applicant(s)**

HALAVAIS ET AL.

**Examiner**

DAVID M. KOHUT

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 11, 16-17, and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 11, 16-17, and 27-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

***Response to Amendment***

1. In the amendment filed 11 January 2008, the following has occurred: claims 1, 24, and 30 have been amended; claims 5, 7-10, 12-15, and 18-23 have been cancelled; and claims 35-38 have been added. Now, claims 1-4, 6, 11, 16-17, and 24-38 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 6, 24, 26-27, and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, Ticket to Ride (cited in the Office Action mailed 7/26/07) in view of Rose et al., U.S. Patent No. 7,069,228.

4. As per claim 1, Anderson et al. teaches a method comprising: communicating on demand, from an information server through a wide area network to a device connected to the wide area network information from a database populated by a multiplicity of entries denoting availability for a venue (see page 1, paragraph 3 of Anderson et al.); transmitting the information to the device to be displayed to the end user, the information including a plurality of available individual seats at the venue such that an end user connected to the wide area network can view the information on a client node unaffiliated with the server, the client node having no dedicated resident ticket vending software that supports selecting a specific individual seat conforming to a need of the

end user (see page 1, paragraph 3 of Anderson et al.); providing over the wide area network to the end user the capability of interactively selecting the specific individual seat by clicking the specific seat from among the plurality of individual seats displayed (see page 1, paragraph 3 of Anderson et al.); receiving from the end user a selection of the specific individual seat (see page 1, paragraph 3 of Anderson et al.); accepting over the wide area network from the end user a payment for the seat (see page 1, paragraph 3 of Anderson et al., since the article is directed to purchasing tickets online, the Examiner considers the reference to disclose this step); returning over the network to the end user verification of the successful completion of the payment (see page 1, paragraph 3 of Anderson et al., i.e. confirmation of selection). However, Anderson et al. does not explicitly teach adding the specific seat to a list. Rose et al., however, does teach a method of adding the specific individual seat to a list of selected seats to be displayed in response to the selection (wherein the specific individual seats are specific tables and wherein the list of selected seats is a list of selected tables) (see Figure 19A and column 14, lines 35-52 of Rose et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Anderson et al. One of ordinary skill in the art would have been motivated to combine these features in order to conduct on-line access, selection and immediacy in making real-time reservations/appointments over the Internet (see abstract, lines 5-7 of Rose et al.).

5. As per claim 4, Anderson et al. and Rose et al. the method of claim 1 as described above. Anderson et al. further discloses the seat sought is for an airplane or airliner (see page 1 of Anderson et al.).
6. As per claim 6, Anderson et al. and Rose et al. the method of claim 1 as described above. Anderson et al. further teaches a communication connection between the information server and the end user includes one of a wire, a cable, and a telephone connection (see page 1 of Anderson et al.).
7. As per claim 24, Anderson et al. teaches a method comprising: receiving at a server a request for a venue from a web browser executing on a client node remote from the server (see page 1, paragraph 3 of Anderson et al.); transmitting, responsive to the request, from the server an indication of specific availability including a representation of a plurality of specific individual seats available in the venue, the indication of specific availability directed to the client node (see page 1, paragraph 3 of Anderson et al.); receiving at the server a specific indication of a client preference identifying a particular individual seat for purchase from the plurality of specific individual seats available (see page 1, paragraph 3 of Anderson et al.); and removing the client preferences from any future indication of specific availability (see page 1, paragraph 3 of Anderson et al., since the color-coded map displays which seats are available, the Examiner interprets this teaching to disclose removing the client preference from future indication of availability). However, Anderson et al. does not explicitly teach displaying seat information. Rose et al., however, does teach a method of seat information to be displayed responsive to user interaction with a display of the

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plurality of specific individual seats (wherein the specific individual seats are specific tables and wherein the list of selected seats is a list of selected tables) (see Figure 19A and column 14, lines 35-52 of Rose et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Anderson et al. One of ordinary skill in the art would have been motivated to combine these features in order to conduct on-line access, selection and immediacy in making real-time reservations/appointments over the Internet (see abstract, lines 5-7 of Rose et al.).

8. As per claim 26, Anderson et al. and Rose et al. teach the method of claim 24 as described above. Anderson et al. further teaches the indication of specific availability includes a graphical representation of at least a portion of a seating chart for the venue, and wherein the graphical representation shows available seats in a first representation and previously sold seats in a second representation (see page 1, paragraph 3 of Anderson et al., i.e. color coded map).

9. As per claim 27, Anderson et al. and Rose et al. teach the method of claim 24 as described above. Anderson et al. further teaches the indication of specific availability is transmitted as one of an HTML page and a java applet (see page 1, paragraph 3 of Anderson et al.).

10. As per claim 29, Anderson et al. and Rose et al. teach the method of claim 24 as described above. Anderson et al. further teaches accepting payment information at the server sufficient to permit access to the specific client preference conducting an

electronic payment transaction and providing an electronic receipt (see page 1, paragraph 3 of Anderson et al.).

11. Claims 30-32 and 34 recite substantially similar limitations to those already addressed in claims 24, 26, and 28 and, as such, are rejected for similar reasons as given above.

12. As per claim 35, Anderson et al. and Rose et al. teach the method of claim 1 as described above. Rose et al. further teaches the method wherein the list is automatically displayed on a current page with the information including the plurality of available individual seats (wherein the plurality of individual seats is a plurality of tables) (see Figure 19A and column 14, lines 35-52 of Rose et al.).

13. As per claim 36, Anderson et al. and Rose et al. teach the method of claim 35 as described above. Rose et al. further teaches the method wherein displaying the information including the plurality of available seats includes providing additional information in response to user interaction with the display of the plurality of the seats (wherein the information includes a time) (see Figure 19A and column 14, lines 35-52 of Rose et al.).

14. As per claim 37, Anderson et al. and Rose et al. teach the method of claim 36 as described above. Rose et al. further teaches the method wherein the user interaction is a mouse-over of a seating chart (see Figure 19A and column 14, lines 35-52 of Rose et al.).

15. As per claim 38, Anderson et al. and Rose et al. teach the method of claim 35 as described above. Rose et al. further teaches the method wherein the list is displayed as

a running tally of selected seats (wherein the tally of selected seats is a list of the tables that are not available and tables that are available) (see Figure 19A and column 14, lines 35-52 of Rose et al.).

16. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, Ticket to Ride (cited in the Office Action mailed 7/26/07) in view of Rose et al., U.S. Patent No. 7,069,228, and Business Wire, ElectroTix Offers New Visual Approach to Selling Tickets On Internet (cited in the Office Action mail 7/26/07, ElectroTix).

17. As per claims 2 and 3, Anderson et al. and Rose et al. teach the method of claim 1 as described above. Neither reference explicitly teaches the seat sought is for a theater or theater type setting and for a stadium type setting. ElectroTix teaches an interactive seat map-based system for selling tickets online for theater or theater type setting and for a stadium type setting (see page 1 of Electro Tix). It would have been obvious to one of ordinary skill in the art at the time of the invention to offer this type of seating through the method disclosed by Anderson et al. and Rose et al. One of ordinary skill in the art would have been motivated to provide this type of seating for the purpose of accommodating user preferences of seating type.

18. Claims 11, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, Ticket to Ride (cited in the Office Action mailed 7/26/07) in view of Rose et al., U.S. Patent No. 7,069,228, and Official Notice.

17. As per claim 11, 16, and 17, Anderson et al. and Rose et al. teach the method of claim 1 as described above. Neither reference explicitly teaches communication



through a satellite link or wireless link. However, the Examiner takes Official Notice that these types of communication connections are old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to employ such types of communication connections within the method disclosed by Anderson et al. One of ordinary skill in the art would have been motivated to utilize such communication connections for the purpose of providing greater flexibility in the types of communication mediums accommodated.

19. Claims 25, 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, [Ticket to Ride](#) (cited in the Office Action mailed 7/26/07) in view Rose et al., U.S. Patent No. 7,069,228, and of Helbling et al., U.S. Patent No. 5,797,126.

20. As per claim 25, Anderson et al. and Rose et al. teach the method of claim 24 as described above. Neither reference explicitly teaches retrieving from a database an image showing a view from the seat indicated by the client preference and transmitting the image to the client. Helbling et al. teaches retrieving from a database an image showing a view from the seat indicated by the client preference (see column 7, lines 54-59 of Helbling et al.); and transmitting the image to the client (see column 7, lines 54-59 of Helbling et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature into the system of Anderson et al. and Rose et al. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of providing additional useful information to the end user when deciding which seat to purchase.

21. Claims 28 and 33 recite substantially similar additional limitations to those already addressed in claim 25 and, as such, are rejection for similar reasons as given above.

***Response to Arguments***

22. Applicant's arguments have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rose et al.

***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kohut whose telephone number is (571) 270-1369. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. M. K./  
Examiner, Art Unit 3626  
4/3/2008

/C Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626